

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

DARON TYRESE CALDWELL,

Plaintiff,

v.

Case No. 95-80919
Hon. Lawrence P. Zatkoff

UNITED STATES OF AMERICA,

Defendant.

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**OPINION AND ORDER ADOPTING
MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION**

This matter comes before the Court on Magistrate Judge Grand's Report and Recommendation [dkt 146], in which the Magistrate Judge recommends that Petitioner's motion to vacate, set aside, or correct sentence [dkt 140] be DENIED and that a certificate of appealability also be DENIED. Neither party has filed an objection to the Report and Recommendation, and the time period in which to do so has elapsed.

The Court has thoroughly reviewed the court file and the Report and Recommendation. As a result of that review, the Court ADOPTS the Report and Recommendation [dkt 146] and enters it as the findings and conclusions of this Court.

Accordingly, IT IS HEREBY ORDERED that Plaintiff's motion to vacate, set aside, or correct sentence is [dkt 126] is DENIED.

IT IS FURTHER ORDERED that a certificate of appealability is also DENIED.

IT IS SO ORDERED.

Date: May 1, 2013

S/LAWRENCE P. ZATKOFF
HON. LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE